

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and telephone number]*

Jonathan J. Sobel, Esquire  
1500 Walnut Street, Suite 2000  
Philadelphia, PA 19102  
215 735 7535

In Re: Salvatore Della Polla  
*[Enter the debtor's name(s)]*

Case No.: 18-26802  
*[Enter the case number]*

Chapter: 13  
*[Enter the chapter; example: 13]*

Judge: Poslusny  
*[Enter the Judge's last name]*

**OBJECTION TO ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE  
DISMISSED FOR FAILURE TO FILE DOCUMENTS**

I, Jonathan J. Sobel, Esquire am the attorney for the debtor in this case and submit this application in support of my objection to the Order to Show Cause why the Case Should not be Dismissed for Failure to file Documents. I am fully familiar with my case, and certify as follows:

1. Debtor filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code on August 22, 2018.
2. When Debtor filed the petition, Debtor did not file all the documents required to be filed under chapter 13 of the Bankruptcy Code.
3. On August 22, 2018, the same date as the petition was filed, debtor filed an Application to Extend the time to file documents.

4. On August 30, 2018, the Court granted the Application to Extend and re-set the deadline to file the documents to September 21, 2018.

5. Pursuant to 11 U.S.C. 521:

- (a) The debtor shall—
  - (1) file—
    - (A) a list of creditors; and
    - (B) unless the court orders otherwise—
      - (i) a schedule of assets and liabilities;
      - (ii) a schedule of current income and current expenditures;
      - (iii) a statement of the debtor's financial affairs and, if section 342(b) [11 USCS § 342(b)] applies, a certificate—
        - (I) of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under section 110(b)(1) [11 USCS § 110(b)(1)], indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b) [11 USCS § 342(b)]; or
        - (II) if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;
      - (iv) copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;
      - (v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and
      - (vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;

6. Likewise, F.R.B.P. 1007 provides:

- (b) Schedules, statements, and other documents required.
  - (1) Except in a chapter 9 municipality case, the debtor, unless the court orders otherwise, shall file the following schedules, statements, and other documents, prepared as prescribed by the appropriate Official Forms, if any:
    - (A) schedules of assets and liabilities;

- (B) a schedule of current income and expenditures;
- (C) a schedule of executory contracts and unexpired leases;
- (D) a statement of financial affairs;
- (E) copies of all payment advices or other evidence of payment, if any, received by the debtor from an employer within 60 days before the filing of the petition, with redaction of all but the last four digits of the debtor's social-security number or individual taxpayer-identification number; and

\* \* \*

- (6) A debtor in a chapter 13 case shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form, and, if the current monthly income exceeds the median family income for the applicable state and household size, a calculation of disposable income made in accordance with § 1325(b)(3) [11 USCS § 1325(b)(3)], prepared as prescribed by the appropriate Official Form.

7. Further Rule 1007(c) requires that,

"[i]n a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. . . . In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. . . . [A]ny extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee . . .

8. In this case, debtor filed for an extension of time to file the documents noted above and, to date there has been no objection to same and the Court granted the request to September 21, 2018.

9. Debtor is respectfully requesting this Honorable Court dissolve the Order to Show Cause as the Court has granted the within request for an extension.

I certify under penalty of perjury that the foregoing statements are true.

Date: 09/04/2018

s/Jonathan J. Sobel, Esquire  
Attorney for Debtor

UNITED STATES BANKRUPTCY COURT  
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In Re:

Salvatore Della Polla

Case No.: 18-26802  
*[Enter the case number]*

Chapter: 13  
*[Enter the chapter of the case]*

Judge: Poslusny  
*[Enter the Judge's last name]*

**CERTIFICATION OF SERVICE**

1. I, Jonathan J. Sobel, Esquire, am the Attorney for Debtor in this case.
2. On September 4, 2018, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.

**Objection to Order to Show Cause – Filing Documents**

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated below.

Date: September 21, 2018

s/Jonathan J. Sobel, Esquire

Attorney for Debtor

<b>Name and Address of Party Served</b>	<b>Relationship of Party to the Case</b>	<b>Mode of Service</b>
<p><i>[Enter the name and address of the party you served]</i></p> <p>Chapter 13 Standing Trustee Isabel Balboa Cherry Hill, NJ</p>	<p><i>[Enter the party's relationship to the case]</i></p> <p>Trustee</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/Return receipt requested</p> <p><input checked="" type="checkbox"/> Other _____ (As authorized by the Court or rule. Cite the rule if applicable.)</p>
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